

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THE UNITED STATES OF AMERICA,
THE STATE OF NEW YORK,
THE STATE OF NEW JERSEY,
THE STATE OF CALIFORNIA,
THE STATE OF COLORADO,
THE STATE OF CONNECTICUT,
THE STATE OF FLORIDA,
THE STATE OF GEORGIA,
THE STATE OF ILLINOIS,
THE STATE OF INDIANA,
THE STATE OF LOUISIANA,
THE STATE OF MARYLAND,
THE COM. OF MASSACHUSETTS,
THE STATE OF MICHIGAN,
THE STATE OF NEVADA,
THE STATE OF NORTH CAROLINA,
THE STATE OF RHODE ISLAND,
THE STATE OF TENNESSEE,
THE STATE OF TEXAS,
THE COM. OF VIRGINIA,
ex rel. JOHN PEPE, M.D., and RICHARD
SHERMAN, M.D.,

Civil Action No. 14-cv-3505

(DeArcy Hall, J.)
(Tiscione, M.J.)

Plaintiffs,

vs.

FRESENIUS SE & Co. KGaA,
FRESENIUS MEDICAL CARE AG & Co.
KGaA, FRESENIUS MEDICAL CARE
HOLDINGS, INC., FRESENIUS
VASCULAR CARE, INC., and GREGG
MILLER,

Defendants.

ORDER

Upon consideration of Relators John Pepe, M.D. and Richard Sherman, M.D.'s Notice of Partial Voluntary Dismissal and the consent thereto of the United States, the Plaintiff States, and the California Department of Insurance:

IT IS ORDERED that all counts against Fresenius SE & Co. KGaA and Fresenius Medical Care AG & Co. KGaA in the Relators' Fourth Amended Complaint are dismissed without prejudice, and that Counts IV and VIII in the Relators' Fourth Amended Complaint are dismissed without prejudice as against Fresenius Medical Care Holdings, Inc., Fresenius Vascular Care, Inc., and Gregg Miller.

SO ORDERED, this 9th day of August, 2022.

s/ LDH

HON. LASHANN DEARCY HALL
U.S. DISTRICT JUDGE

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KGaA, FRESENIUS MEDICAL CARE
HOLDINGS, INC., FRESENIUS
VASCULAR CARE, INC., and GREGG
MILLER,

Defendants.

NOTICE OF PARTIAL VOLUNTARY DISMISSAL

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure and 31 U.S.C. § 3730(b)(1), Relators John Pepe, M.D. and Richard Sherman, M.D., and their counsel hereby give notice that all counts against Fresenius SE & Co. KGaA and Fresenius Medical Care AG & Co. KGaA in Relators' Fourth Amended Complaint are voluntarily dismissed, without prejudice.

Relators further give notice that Counts IV and VIII in Relators' Fourth Amended Complaint are voluntarily dismissed, without prejudice, as against Fresenius Medical Care Holdings, Inc., Fresenius Vascular Care, Inc., and Gregg Miller.

Counsel for Relators have conferred with counsel for the United States and the United States consents to this dismissal as in the best interests of justice.

Counsel for Relators have also conferred with counsel for the Plaintiff States and with counsel for the California Department of Insurance ("CDI") and the Plaintiff States and CDI consent to this dismissal as in the best interests of justice.

Accordingly, Relators respectfully request that the Court enter the Proposed Order submitted with this Notice.

August 8, 2022

Respectfully submitted,

/s/ Raymond M. Sarola
Raymond M. Sarola (Bar No. RS0810)

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Attorneys for Relators

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2022, I electronically filed the foregoing using the Court's CM/ECF system, which sent notification of this filing to all counsel of record.

/s/ Raymond M. Sarola
Raymond M. Sarola (Bar No. RS0810)